

citations to Appellant's Opening Brief Under Seal and Joint Appendix Under Seal are contained throughout Appellee's Brief.

3. Based on Appellant's Motion for Leave to File Under Seal [Document #1993490] and Appellant filing her Brief and certain portions of the Joint Appendix under seal, Appellee requested that its Brief and accompanying Supplemental Appendix be filed under seal. [See Document #2002237].

4. Pursuant to the Clerk's June 6, 2023, Order Appellee's Brief and Supplemental Appendix were timely filed, entered, and are maintained under provisional seal pending the merits panel's disposition of the motion to seal. [See Document #2002397].

5. Pursuant to the same Order, Appellee was directed to file redacted public copies of Appellee's Brief and Supplemental Appendix by July 6, 2023. *Id.*

6. Due to an administrative calendaring mishap and excusable neglect, the Public Brief and Supplemental Appendix were not filed by July 6, 2023.

7. On July 11, 2023, the Clerk's Office notified Appellee that its Public Brief and Public Supplemental Appendix had not been filed and directed Appellee to file a motion for leave and to file the public filings as soon as possible. Appellee now moves for leave to late file Appellee's Public Brief and Appellee's Public Appendix.

8. Consent for the relief requested herein was sought from Appellant who declined to consent.

9. Appellee's Brief and Supplemental Appendix were timely filed under seal and copies were produced to all parties in the appeal. No party will be prejudiced by the Court's acceptance of the late filing of the redacted public versions of Appellee's Brief and Supplemental Appendix.

WHEREFORE, Appellee, for excusable neglect and good cause shown, respectfully request that the Court grant Appellee's Request for Leave to Late File the attached redacted public copies of Appellee's Brief and Appellee's Supplemental Appendix, and for any other relief that the Court deems proper.

Respectfully submitted,

GLEASON, FLYNN, EMIG,
& MCAFEE, CHARTERED

/s/ Gerard J. Emig

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CERTIFICATE OF COMPLIANCE

Pursuant to Fed. R. App. P. 32(g)(1), the undersigned hereby certifies:

1. George Washington University's Request for Leave to Late File public copies of Appellee's Brief and Appellee's Supplemental Appendix complies with the type-volume limitation of Fed. R. App. P. 27(d)(2)(A) because it contains **708** words, excluding the exempted portions, as provided in Fed. R. App. P. 32(f). As permitted by Fed. R. App. P. 32(g)(1), the undersigned has relied upon the word count feature of this word processing system in preparing this certificate.

2. George Washington University's Opposition to Appellant's Motion for Leave to File a Sur-Reply to the George Washington University's Reply in Support of its Motion to Dismiss complies with the typeface and type style requirements of Fed. R. App. P. 27(a)(5)-(6) because it was prepared in proportionally spaced typeface using Microsoft Word 365 in 14-point Times New Roman font.

/s/ Gerard J. Emig
Gerard J. Emig

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of July, 2023, a copy of the foregoing Appellee's Motion was served electronically on:

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